IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.9901 of 2005

Between:

T.Sambi Reddy S/o.T.Venkat Reddy
R/o.7-32, Yadagiri Nagar, Saidabad Hyderabad.

..... PETITIONER

AND

1 The Secretary Regional Transport Authority
East Zone, Malakpet, Hyderabad.
2 The Motor Vehicles Inspector R.T.A. Hyderabad (Central).

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus, or any other appropriate writ, order or direction, declaring the action of the respondents in seizing the petitioner vehicle bearing No AP 11 D-1292, under Sec.8 and Sec.207 of A.P.M.V.T. Act and issuing show cause notice dt.20.4.2005 as arbitrary, illegal and further direct the respondents to release the said vehicle to the petitioner pending enquiry by setting aside the impugned show cause Notice SCN.No.1526/B4/HE/2005, dt.20.4.2005 issued by the
1st respondent and pass such other order or orders.

Counsel for the Petitioner : Sri P.VENKAT RAO
Counsel for the Respondents : Govt. Pleader for Transport

The Court made the following :

ORAL ORDER: (Per Hon'ble Sri Justice B.Sudershan Reddy)

We have heard learned counsel for the petitioner and learned Government Pleader for Transport and at their request, the writ petition is taken up for final disposal at the stage of admission. Rule nisi.

The petitioner in this writ petition challenges the show cause notice dated 20-04-2005 issued by the respondent - Assistant Secretary, RTA - Hyderabad East Zone, requiring the petitioner to submit his explanation as to why an amount of Rs.43,470/- towards tax, penalty, and compounding fee of Rs.1,100/- should not be collected from him as detailed in the show cause notice. We are not inclined to interfere with the show cause notice since it does not suffer from any infirmity as such. The petitioner is entitled to file reply to the show cause notice, which shall have to be duly considered by the respondents in accordance with law.

However, learned counsel for the petitioner contended that the respondents are not entitled to levy and collect any penalty. We do not propose to express any opinion since it is for the authorities to consider the reply to the show cause notice and decide whether it is a fit case for levying and collecting the penalty as proposed.

Interests of justice would be met by directing the release of the petitioner's vehicle bearing No.AP-11D-1292 subject to the condition of the petitioner depositing the entire amount of tax of Rs.16,380/- (Rupees sixteen thousand three hundred and

eighty only) with the respondents together with an undertaking not to alienate or part away or encumber the vehicle in question in any manner whatsoever until disposal of the proceedings before the respondents. It shall be open to respondents to pass appropriate orders in accordance with law with regard to the levy and collection of penalty after considering the explanation to the show cause notice to be submitted by the petitioner.

The writ petition is accordingly disposed of.

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B.SUDERSHAN REDDY, J

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C.V.RAMULU, J

Note:

Furnish copy by tomorrow.

(b/o)

bsc

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SECTION OFFICER

To

1 The Secretary Regional Transport Authority
East Zone, Malakpet, Hyderabad.
2 The Motor Vehicles Inspector R.T.A. Hyderabad (Central).

3. 2 CCs to Govt. Pleader for Transport, High Court buildings,

Hyderabad. (OUT)

4) 2 CD copies

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